

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SheeldS Cyber Ltd.,
Plaintiff

v.

NXP USA, Inc.,
Defendant

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Case No. 1:23-cv-01169-RP

PRELIMINARY CLAIM CONSTRUCTION FOR U.S. PATENT NO. 11,651,088

The Court provides the following preliminary construction in advance of the *Markman* hearing set for **9 a.m. Friday, October 11, 2024**. The purpose of preliminary construction is to streamline the hearing by providing the parties an indication of the Court's current position for the terms. The preliminary construction is not final and may be changed based on the arguments at the hearing.

Disputed Claim Term		Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
A	<p>“A device for exchanging messages <u>with a second device</u> in a vehicle over a communication bus that consists of, employs, uses, is based on, or is compatible with, a Controller Area Network (CAN)”</p> <p>(Claim 30 and dependent claims)</p>	Plain and ordinary meaning	Indefinite	Plain and ordinary meaning

Disputed Claim Term		Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
B	“non-volatile memory” “the memory” (Claims 30, 35, 43)	Plain and ordinary meaning	“semiconductor programmable memory storage that retains data without continuous power”	Plain and ordinary meaning: memory that maintains data when power is removed The parties agree that “the memory” refers to the non-volatile memory
C	“wherein the memory, the first communication interface, and the second communication interface are housed within a single package” (Claim 30)	“a single enclosure, distinct from the enclosure of any ECU in which the device may be integrated, that houses the memory, the first communication interface, and the second communication interface”	Plain and ordinary meaning: the memory and the communications interfaces are in a single component	Plain and ordinary meaning
D	“timing rule” / “a timing rule” (Claims 30, 36)	“a rule that limits the rate that messages can be delivered”	“a rule that limits the rate that messages can be delivered, by buffering the messages and sending them only in preconfigured intervals”	“a rule that limits the rate that messages can be delivered”
E	“timing rule values” “timing information” (Claim 30)	Plain and ordinary meaning (both)	“limits on the message transmission rate to predetermined values per time unit” “an interval after a previous message was transmitted”	Plain and ordinary meaning (both)

Disputed Claim Term		Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
F	“to pass, to block, or to change and then pass” “passing, blocking, and changing and then passing” (Claims 30, 36)	Plain and ordinary meaning “passing, blocking, and changing and then passing” refers to Claim 30’s limitation of “to pass, to block, or to change and then pass”	The device must be capable of performing each of the three recited actions on the first message The device must be capable of performing each of the three recited actions on the second message	Plain and ordinary meaning
G	“Electronic Control Unit (ECU)” (Claim 30)	“an electronic system within a vehicle with processing capabilities”	“an addressable end unit capable of serving as source and destination device via a single communication interface”	“an electronic system within a vehicle with processing capabilities”
H	“buffer” (Claim 41)	Plain and ordinary meaning	“memory used temporarily to store one or more messages while they are transferred from an input to an output”	Plain and ordinary meaning
I	“pre-determined time interval” (Claim 42)	Plain and ordinary meaning	Plain and ordinary meaning: a fixed amount of time	Plain and ordinary meaning
J	“Flash-based” (Claim 43)	Plain and ordinary meaning	“an electrically erasable non-volatile memory that uses a floating gate MOSFET as the storage cell”	Plain and ordinary meaning

Disputed Claim Term		Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Preliminary Construction
K	“Universal Asynchronous Receiver Transmitter (UART)”	Plain and ordinary meaning	“a device for asynchronous serial communication that transmits one character as a time as a sequence of 5 to 9 bits, framed by start and stop bits with an optional parity bit”	Plain and ordinary meaning

The Court **ORDERS** that the parties submit any slides they wish to use at the *Markman* hearing to Courtroom Deputy Kieshonda Taylor at Kieshonda_Taylor@txwd.uscourts.gov, copying opposing counsel, **by 3 p.m. Thursday, October 10, 2024.**

SIGNED on October 6, 2024.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE